UNITED STATES DISTRICT OF	F NEW YORK	77	
AMAURY URENA,		: : :	
	Plaintiff,	:	24-CV-1880 (JAV)
-V-		:	ORDER
CITY OF NEW YORK et a	1.,	:	
	Defendant.	: : X	
		2.	

JEANNETTE A. VARGAS, United States District Judge:

Plaintiff, who is currently incarcerated at Rikers Island, brings this *pro se* action under 42 U.S.C. § 1983. By Order dated April 8, 2024, the Court granted Plaintiff's request to proceed without prepayment of fees. Plaintiff is therefore entitled to rely on the Court and the U.S. Marshals Service to effect service. Walker v. Schult, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); see also 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process [where an incarcerated plaintiff has been granted permission to proceed without prepayment of fees]."); Fed. R. Civ. P. 4(c)(3).

On June 25, 2024, Plaintiff filed an Amended Complaint (ECF No. 11). In his Amended Complaint, Plaintiff names three new defendants, Hiram Nieves, Ibn Barthelemy, and Giovanis Tovarmenaya. (Docket No. 11). By letter dated July 8, 2024, the City of New York indicated that

¹ Prisoners are not exempt from paying the full filing fee even when they have been granted permission to proceed without prepayment of fees. See 28 U.S.C. § 1915(b)(1).

² Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is incarcerated and proceeding IFP and could not have served the summons and the amended complaint until the Court ordered that the summons be issued. The Court therefore extends the time to serve until 90 days after the date summonses are issued.

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all four of the individually named defendants were assigned to the NYPD's 48th Precinct and

could be served at 450 Cross Bronx Expressway, Bronx, NY 10457-7401.

To allow Plaintiff to effect service of the Amended Complaint on Defendants through the

U.S. Marshals Service, the Clerk of Court is instructed to issue summonses to Defendants the

City of New York, Jonathan Aponte Rodriguez, Hiram Nieves, Ibn Barthelemy, and Giovanis

Tovarminaya, fill out U.S. Marshals Service Process Receipt and Returns (Form USM-285), and

deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect

service upon Defendants. The Clerk of Court is further instructed to mail Plaintiff an

information package.

If the complaint is not served within 90 days after the date the summonses are issued,

Plaintiff should request an extension of time for service. See Meilleur v. Strong, 682 F.3d 56, 63

(2d Cir. 2012) (holding that it is the *pro se* plaintiff's responsibility to request an extension of

time for service). Plaintiff must notify the Court in writing if his address changes, and the Court

may dismiss the action if Plaintiff fails to do so.

SO ORDERED.

Dated: February 25, 2025

New York, New York

JEANNETTE A. VARCAS

United States District Judge

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